Supreme Court, U.S.
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No. 95-2006

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1995

SAMUEL FRANK, Sheriff,
Orange County, Vermont

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

REPLY BRIEF FOR PETITIONER

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DISCUSSION

The issues presented in this case are the same as those in *Printz v. United States*, cert. granted, No. 95-1478, (June 17, 1996), and *Mack v. United States*, cert. granted, No. 95-1503 (June 17, 1996). The United States concludes that, for this reason, this case should be held pending the decision in *Printz* and *Mack*. This would be appropriate if each case were founded upon factual circumstances which are substantially identical. They are not.

The legal issue addresses the relationship between the federal government and the governments of the states. Different facets of this issue may be illustrated by different factual circumstances. In petitioner's case, he has only two full time deputies. The Brady law requirements in his county, which has only minimal law enforcement resources, create a unique factual circumstance. Given the facts, this case would present a unique aspect of the legal issue presented in each of the Brady law cases.

CONCLUSION

This Court should grant a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit. This Court should consolidate this case with the *Printz* and *Mack* cases, for which certiorari has been granted, and *Koog* and *McGee*, if certiorari should be granted in that case.

Respectfully Submitted,

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